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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA – NORTHERN DIVISION**

10 THE CINCINNATI SPECIALTY
UNDERWRITERS INSURANCE COMPANY
11 Plaintiff.

12 v.

13 RED ROCK HOUNDS, a Domestic Nonprofit
Cooperative Corporation Without Stock
(81)[sic]; LYNN LLOYD, individually; AND
14 TRACY TURNBOW (Interested Party)
15 Defendants.

16 RED ROCK HOUNDS, a Domestic Nonprofit
Cooperative Corporation Without Stock; and
17 BARBARA LYNN LLOYD,
18 Counterclaimants,

19 v.

20 THE CINCINNATI SPECIALTY
UNDERWRITERS INSURANCE COMPANY;
21 BEEHIVE INSURANCE AGENCY, INC., a
Utah corporation, doing business as
22 CERTIFIED INSURANCE SERVICES, INC.,
23 Counterdefendants.

24 BEEHIVE INSURANCE AGENCY, INC.,

25 Third-Party Plaintiff,

26 v.

27 MOORE, CLEMENS & CO., INC., a Virginia
corporation, and DOES 1-X, inclusive,

28 Third-Party Defendants.

CASE NO.: 3:20-cv-00272-MMD-BNW

**JOINT STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

Special Review Requested

1 Plaintiff/Counterdefendant THE CINCINNATI SPECIALTY UNDERWRITERS
 2 INSURANCE COMPANY (“CSU”), Defendants/Counterclaimants RED ROCK HOUNDS (“Red
 3 Rock”) and BARBARA LYNN LLOYD (“Lloyd”), Defendant/Interested Party, TRACY TURNBOW
 4 (“Turnbow”), Counterdefendant/Third-Party Plaintiff BEEHIVE INSURANCE AGENCY, INC.
 5 (“Beehive”) and Third-Party Defendant, MOORE, CLEMENS & CO., INC. (“Moore”) by and
 6 through their respective counsel, hereby submit this proposed Joint Discovery Plan and Scheduling
 7 Order.

8 During the course of the FRCP 26(f) conference the Parties and counsel discussed the
 9 presumptive discovery period set forth in LR26-1(b)(1) and agreed to an extension of same, with the
 10 below suggested dates, for the reason that there are multiple parties in this case, multiple and
 11 complicated issues, COVID 19 related issues, and that potentially dispositive motions are pending
 12 before this Court, and that allowing more time for discovery makes sense from a practical and cost
 13 savings approach, and would better serve all Parties involved herein. The Parties propose the following
 14 discovery plan and scheduling order:

15 PROPOSED DISCOVERY PLAN

16 1. **Discovery Cut-Off Date:** Red Rock and Lloyd filed their Answer on July 20, 2020.
 17 ECF No. 11. To allow for all discovery to take place, the proposed cut-off date for discovery shall be
 18 **July 20, 2021**, 365 days from the date of Red Rock and Lloyd’s Answer.

19 2. **Amending the Pleadings and Adding Parties:** All motions to amend the pleadings or
 20 to add parties shall be filed no later than **November 20, 2020**.

21 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** Disclosures and reports concerning
 22 experts shall be made by **March 21, 2021**. Disclosures and reports concerning rebuttal experts shall
 23 be made by **April 21, 2021**, 30 days after the initial disclosure of experts.

24 4. **Dispositive Motions:** The date for filing dispositive motions shall not be later than
 25 **August 19, 2021**, 30 days after the proposed close of discovery. In the event that the discovery period
 26 is extended from the discovery cut-off date set forth in this proposed Discovery Plan and Scheduling
 27 Order, the date for filing dispositive motions shall be extended to be not later than 30 days from the
 28 subsequent discovery cut-off date.

1 5. **Pretrial Order**: The date for filing the joint pretrial order shall not be later than
2 **September 17, 2021**, 30 days after the cut-off date for filing dispositive motions. In the event that
3 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days
4 after decision on the dispositive motions or until further order of the court. In the further event that the
5 discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and
6 Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with the
7 time periods set forth in this paragraph.

8 6. **Pretrial Disclosures**: The disclosures required by Fed. R. Civ. P. 26(a)(3), and any
9 objections thereto, shall be included in the joint pretrial order.

10 7. **Extensions or Modifications of the Discovery Plan and Scheduling Order**:
11 Applications to extend any date set by the discovery plan, scheduling order, or other order must
12 comply with the Local Rules.

13 8. **Initial Disclosures**: The Parties shall make initial disclosures on or before **October 30,**
14 **2020**, to the extent that initial disclosures have not yet been made.

15 9. **Protective Order**: The Parties may seek to enter a stipulated protective order pursuant
16 to Rule 26(c) prior to producing any confidential documents.

17 10. **Electronic Service**: The Parties agree that electronic service of discovery documents
18 may be used.

19 11. **Alternative Dispute Resolution Certification**: The Parties certify that they met and
20 conferred about the possibility of using alternative dispute-resolution processes including mediation,
21 arbitration, and early neutral evaluation.

22 The Parties are generally agreeable to the Alternative Dispute Resolution through, including
23 but not limited to, mediation and early neutral evaluation after an initial period of discovery.
24 Accordingly, the parties have tentatively agreed to attend mediation with Robert Enzenberger in Reno,
25 Nevada on the 21st and 22nd of January 2021. Counsel for the Parties understand that the desire to
26 mediate is subject to approval and consent by one or more of the insurers in the related matters and
27 the counsel who were not participating in the August 27, 2020 phone conference.
28

12. **Alternative Forms of Case Disposition Certification:** The Parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01). The parties have not reached any stipulations at this stage.

13. **Electronic Evidence:** The Parties certify that they discussed the possibility of producing documents in electronic format, which could then facilitate presenting electronic evidence to jurors for the purposes of jury deliberations at trial. The parties have not reached any stipulations at this stage.

IT IS SO STIPULATED.

Dated: September 3, 2020

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1 Dated: September 3, 2020

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ORDER

19 The parties' proposed discovery plan and scheduling order is GRANTED in part and
20 DENIED in part. The parties seek a 365-day discovery period, which is longer than what
21 the Court believes is necessary at this time. However, in recognition of the complicated
22 issues and the number of parties involved, the Court will grant the parties a 270-day
23 discovery period, which will run from Red Rock and Lloyd's Answer (ECF No. 11). The
24 Court encourages the parties to complete discovery within this enlarged period. If the
25 parties later realize they are unable to safely complete discovery within this enlarged
26 period, the Court is happy to consider a stipulation or motion to extend deadlines.

25 The Court notes that the parties' proposed DPSO does not follow the typical schedule set
26 forth in the Local Rules (e.g., the parties' deadlines for expert disclosures and amending
27 the pleadings are--in relation to the discovery cutoff--earlier than what the Local Rules
28 provide by default). The Court does not take issue with this. However, rather than
imposing its own DPSO, IT IS ORDERED that the parties must provide a new DPSO
consistent with this order by September 25, 2020.

DATED: September 10, 2020



U.S. Magistrate Judge